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THE GENERAL ASSEMBLY OF PENNSYLVANIA

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SENATE BILL

No. 595 Session of  
2011

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INTRODUCED BY PILEGGI, ERICKSON, RAFFERTY, ALLOWAY, TOMLINSON,  
GREENLEAF, BREWSTER, YAW AND BROWNE, FEBRUARY 18, 2011

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REFERRED TO TRANSPORTATION, FEBRUARY 18, 2011

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AN ACT

1 Amending Title 75 (Vehicles) of the Pennsylvania Consolidated  
2 Statutes, further providing for display of registration  
3 plate; and providing for automated red light enforcement in  
4 certain third class cities.

5 The General Assembly of the Commonwealth of Pennsylvania  
6 hereby enacts as follows:

7 Section 1. Section 1332(b)(2) of Title 75 of the  
8 Pennsylvania Consolidated Statutes is amended to read:

9 § 1332. Display of registration plate.

10 \* \* \*

11 (b) Obscuring plate.--It is unlawful to display on any  
12 vehicle a registration plate which:

13 \* \* \*

14 (2) is obscured in any manner which inhibits the proper  
15 operation of an automated red light enforcement system in  
16 place pursuant to section 3116 (relating to automated red  
17 light enforcement systems in first class cities) or 3117  
18 (relating to automated red light enforcement systems in  
19 certain third class cities); or

1           \* \* \*

2           Section 2. Title 75 is amended by adding a section to read:  
3 § 3117. Automated red light enforcement systems in certain  
4 third class cities.

5           (a) General rule.--A city, upon passage of an ordinance, is  
6 authorized to enforce section 3112(a)(3) (relating to traffic-  
7 control signals) by recording violations using an automated red  
8 light enforcement system approved by the department.

9           (b) Applicability.--This section shall only be applicable at  
10 intersections in a city designated by the system administrator  
11 in consultation with the secretary.

12           (c) Owner liability.--For each violation under this section,  
13 the owner of the vehicle shall be liable for the penalty imposed  
14 unless the owner is convicted of the same violation under  
15 another section of this title or has a defense under subsection  
16 (g).

17           (d) Certificate as evidence.--A certificate, or a facsimile  
18 of a certificate, based upon inspection of recorded images  
19 produced by an automated red light enforcement system and sworn  
20 to or affirmed by a police officer employed by the city shall be  
21 prima facie evidence of the facts contained in it. The city must  
22 include written documentation that the automated red light  
23 enforcement system was operating correctly at the time of the  
24 alleged violation. A recorded image evidencing a violation of  
25 section 3112(a)(3) shall be admissible in any judicial or  
26 administrative proceeding to adjudicate the liability for the  
27 violation.

28           (e) Penalty.--

29                 (1) The penalty for a violation under subsection (a)  
30 shall be a fine of \$100 unless a lesser amount is set by

1 ordinance.

2 (2) A fine is not authorized for a violation of this  
3 section if any of the following apply:

4 (i) The intersection is being manually controlled.

5 (ii) The signal is in the mode described in section  
6 3114 (relating to flashing signals).

7 (3) A fine is not authorized during any of the  
8 following:

9 (i) The first 60 days of operation of the automated  
10 system at the initial intersection.

11 (ii) The first 60 days for each additional  
12 intersection selected for the automated system.

13 (4) A warning may be sent to the violator under  
14 paragraph (3).

15 (5) A penalty imposed under this section shall not be  
16 deemed a criminal conviction and shall not be made part of  
17 the operating record under section 1535 (relating to schedule  
18 of convictions and points) of the individual upon whom the  
19 penalty is imposed, nor may the imposition of the penalty be  
20 subject to merit rating for insurance purposes.

21 (6) No surcharge points may be imposed in the provision  
22 of motor vehicle insurance coverage. Fines collected under  
23 this section shall not be subject to 42 Pa.C.S. § 3571  
24 (relating to Commonwealth portion of fines, etc.) or 3573  
25 (relating to municipal corporation portion of fines, etc.).

26 (f) Limitations.--

27 (1) No automated red light enforcement system shall be  
28 utilized in such a manner as to take a frontal view recorded  
29 image of the vehicle as evidence of having committed a  
30 violation.

1           (2) Notwithstanding any other provision of law, camera  
2 equipment deployed as part of an automated red light  
3 enforcement system as provided under this section must be  
4 incapable of automated or user-controlled remote intersection  
5 surveillance by means of recorded video images. Recorded  
6 images collected as part of the automated red light  
7 enforcement system may only record traffic violations and may  
8 not be used for any other surveillance purposes. The  
9 restrictions set forth under this paragraph shall not be  
10 deemed to preclude a court of competent jurisdiction from  
11 issuing an order directing that the information be provided  
12 to law enforcement officials if the information is reasonably  
13 described and is requested solely in connection with a  
14 criminal law enforcement action.

15           (3) Notwithstanding any other provision of law,  
16 information prepared under this section and information  
17 relating to violations under this section which is kept by  
18 the city, its authorized agents or employees, including  
19 recorded images, written records, reports or facsimiles,  
20 names, addresses and the number of violations under this  
21 section, shall be for the exclusive use of the city, its  
22 authorized agents, its employees and law enforcement  
23 officials for the purpose of discharging their duties under  
24 this section and under any ordinances and resolutions of the  
25 city. The information shall not be deemed a public record  
26 under the act of February 14, 2008 (P.L.6, No.3), known as  
27 the Right-to-Know Law. The information shall not be  
28 discoverable by court order or otherwise, nor shall it be  
29 offered in evidence in any action or proceeding which is not  
30 directly related to a violation of this section or any

1 ordinance or resolution of the city. The restrictions set  
2 forth under this paragraph shall not be deemed to preclude a  
3 court of competent jurisdiction from issuing an order  
4 directing that the information be provided to law enforcement  
5 officials if the information is reasonably described and is  
6 requested solely in connection with a criminal law  
7 enforcement action.

8 (4) Recorded images obtained through the use of  
9 automated red light enforcement systems deployed as a means  
10 of promoting traffic safety in a city shall be destroyed at  
11 the end of the 30 days following the final disposition of any  
12 recorded event. The city shall file notice with the  
13 Department of State that the records have been destroyed in  
14 accordance with this section.

15 (5) Notwithstanding any other provision of law,  
16 registered vehicle owner information obtained as a result of  
17 the operation of an automated red light enforcement system  
18 under this section shall not be the property of the  
19 manufacturer or vendor of the automated red light enforcement  
20 system and may not be used for any purpose other than  
21 prescribed in this section.

22 (g) Defenses.--

23 (1) It shall be a defense to a violation under this  
24 section that the person named in the notice of the violation  
25 was not operating the vehicle at the time of the violation.  
26 The owner may be required to submit evidence that the owner  
27 was not the driver at the time of the alleged violation. The  
28 city may not require the owner of the vehicle to disclose the  
29 identity of the operator of the vehicle at the time of the  
30 violation.

1           (2) If an owner receives a notice of violation under  
2 this section of a time period during which the vehicle was  
3 reported to a police department of any state or municipality  
4 as having been stolen, it shall be a defense to a violation  
5 under this section that the vehicle has been reported to a  
6 police department as stolen prior to the time the violation  
7 occurred and had not been recovered prior to that time.

8           (3) It shall be a defense to a violation under this  
9 section that the person receiving the notice of violation was  
10 not the owner of the vehicle at the time of the offense.

11       (h) Department approval.--No automated red light enforcement  
12 system may be used without the approval of the department, which  
13 shall have the authority to promulgate regulations for the  
14 certification and use of such systems.

15       (i) Duty of city.--If a city elects to implement this  
16 section, the following provisions shall apply:

17           (1) The city may not use an automated red light  
18 enforcement system unless an appropriate sign is posted in a  
19 conspicuous place before the area in which the automated red  
20 light enforcement device is to be used notifying the public  
21 that an automated red light enforcement device is in use  
22 immediately ahead.

23           (2) The city or its designee shall serve as the system  
24 administrator to supervise and coordinate the administration  
25 of notices of violations issued under this section.

26           (3) The following apply:

27           (i) The system administrator shall prepare a notice  
28 of violation to the registered owner of a vehicle  
29 identified in a recorded image produced by an automated  
30 red light enforcement system as evidence of a violation

1 of section 3112(a)(3). The issuance of the notice of  
2 violation must be done by a police officer employed by  
3 the police department with primary jurisdiction over the  
4 area where the violation occurred. The notice of  
5 violation must have attached to it all of the following:

6 (A) A copy of the recorded image showing the  
7 vehicle.

8 (B) The registration number and state of  
9 issuance of the vehicle registration.

10 (C) The date, time and place of the alleged  
11 violation.

12 (D) Notice that the violation charged is under  
13 section 3112(a)(3).

14 (E) Instructions for return of the notice of  
15 violation.

16 (ii) The text of the notice must be as follows:  
17 This notice shall be returned personally, by mail or  
18 by an agent duly authorized in writing, within 30  
19 days of issuance. A hearing may be obtained upon the  
20 written request of the registered owner.

21 (j) System administrator.--

22 (1) The system administrator may hire and designate  
23 personnel as necessary or contract for services to implement  
24 this section.

25 (2) The system administrator shall process fines issued  
26 under this section.

27 (3) The system administrator shall submit an annual  
28 report to the chairman and the minority chairman of the  
29 Transportation Committee of the Senate and the chairman and  
30 minority chairman of the Transportation Committee of the

1 House of Representatives. The report shall include for the  
2 prior year:

3 (i) The number of violations and fines issued.

4 (ii) A compilation of fines paid and outstanding.

5 (iii) The amount of money paid to a vendor or  
6 manufacturer under this section.

7 (k) Notice to owner.--In the case of a violation involving a  
8 motor vehicle registered under the laws of this Commonwealth,  
9 the notice of violation must be mailed within 30 days after the  
10 commission of the violation or within 30 days after the  
11 discovery of the identity of the registered owner, whichever is  
12 later, to the address of the registered owner as listed in the  
13 records of the department. In the case of motor vehicles  
14 registered in jurisdictions other than this Commonwealth, the  
15 notice of violation must be mailed within 30 days after the  
16 discovery of the identity of the registered owner to the address  
17 of the registered owner as listed in the records of the official  
18 in the jurisdiction having charge of the registration of the  
19 vehicle. A notice of violation under this section must be  
20 provided to an owner within 90 days of the commission of the  
21 offense.

22 (l) Mailing of notice and records.--Notice of violation must  
23 be sent by first class mail. A manual or automatic record of  
24 mailing prepared by the system administrator in the ordinary  
25 course of business shall be prima facie evidence of mailing and  
26 shall be admissible in any judicial or administrative proceeding  
27 as to the facts contained in it.

28 (m) Payment of fine.--

29 (1) An owner to whom a notice of violation has been  
30 issued may admit responsibility for the violation and pay the



1 fine provided in the notice.

2 (2) Payment must be made personally, through an  
3 authorized agent or by mailing both payment and the notice of  
4 violation to the system administrator. Payment by mail must  
5 be made only by money order, credit card or check made  
6 payable to the system administrator. The system administrator  
7 shall remit the fine, less the system administrator's  
8 operation and maintenance costs necessitated under this  
9 section, to the department for deposit into the Motor License  
10 Fund. The department shall use the fines deposited in the  
11 fund under this paragraph as prescribed under 67 Pa. Code Ch.  
12 233 (relating to transportation enhancement grants from  
13 authorized red light enforcement system revenues).

14 (3) Payment of the established fine and applicable  
15 penalties shall operate as a final disposition of the case.

16 (n) Hearing.--

17 (1) An owner to whom a notice of violation has been  
18 issued may, within 30 days of the mailing of the notice,  
19 request a hearing to contest the liability alleged in the  
20 notice. A hearing request must be made by appearing before  
21 the system administrator during regular office hours either  
22 personally or by an authorized agent or by mailing a request  
23 in writing.

24 (2) Upon receipt of a hearing request, the system  
25 administrator shall in a timely manner schedule the matter  
26 before a hearing officer. The hearing officer shall be  
27 designated by the city. Written notice of the date, time and  
28 place of hearing must be sent by first class mail to the  
29 owner.

30 (3) The hearing shall be informal; the rules of evidence

1 shall not apply; and the decision of the hearing officer  
2 shall be final, subject to the right of the owner to appeal  
3 the decision to the magisterial district judge.

4 (4) If the owner requests in writing that the decision  
5 of the hearing officer be appealed to the magisterial  
6 district judge, the system administrator shall file the  
7 notice of violation and supporting documents with the  
8 magisterial district judge, who shall hear and decide the  
9 matter de novo.

10 (o) Compensation to manufacturer or vendor.--If a city has  
11 established an automated red light enforcement system deployed  
12 as a means of promoting traffic safety and the enforcement of  
13 the traffic laws of this Commonwealth or the city, the  
14 compensation paid to the manufacturer or vendor of the automated  
15 red light enforcement system may not be based upon the number of  
16 traffic citations issued or a portion or percentage of the fine  
17 generated by the citations. The compensation paid to the  
18 manufacturer or vendor of the equipment shall be based upon the  
19 value of the equipment and the services provided or rendered in  
20 support of the automated red light enforcement system.

21 (p) Duration of yellow light change interval.--The duration  
22 of the yellow light change interval at intersections where  
23 automated red light enforcement systems are in use shall conform  
24 to the yellow light change interval duration specified on the  
25 traffic signal permit issued by the department.

26 (g) Revenue limit.--A city may not collect an amount equal  
27 to or greater than 5% of its annual budget from the collection  
28 of revenue from the issuance and payment of violations under  
29 this section.

30 (r) Expiration.--This section shall expire December 31,

1 2017.

2 (s) Definition.--As used in this section, the term "city"  
3 means a city of the third class with:

4 (1) a minimum population of 30,000; and

5 (2) a full-time police department.

6 Section 3. This act shall take effect in 60 days.